IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.5057 OF 2004

IN

CRIMINAL APPEAL NO.1391 OF 2004

Sarang Bandya Swami Jangam .. Applicant

versus

State of Maharashtra .. Respondents

...

Mr.P.L. Shetty for the applicant.

Mr.A.M. Shringarpure, APP for the State.

CORAM : V.M. KANADE, J

DATED : 29th November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted u/s.304 of the IPC. The trial Court has not stated in its order whether

the conviction is under section 304 Part I or 304 Part II of the IPC. The applicant is sentenced to suffer RI for a period of three years. The applicant was on bail during trial. It is submitted that there is a discrepancy between the ocular evidence and the medical evidence adduced by the prosecution.

3. In my view, prima facie case is made out. Apart from that, the applicant is 68 years of age. Under these circumstances, the applicant is released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount.

V.M.KANADE, J